

EXHIBIT 4

JUL 1 2019

CLERK OF THE COURT

BY: Will [Signature] Deputy Clerk

~~PROPOSED~~ ORDER GRANTING DEFENDANT UBER TECHNOLOGIES, INC.'S MOTION TO DISMISS BASED ON
FORUM NON CONVENIENS

1 After considering the motion and supporting documents and argument by counsel, the
2 Court ORDERS as follows:

3 Defendant Uber Technologies, Inc.'s Motion to Dismiss is GRANTED.

4 Washington is a suitable alternative forum because Uber is subject to the personal
5 jurisdiction of Washington courts, none of Plaintiffs' claims would be barred by the statute of
6 limitations, and Washington can provide an adequate remedy for Plaintiffs' claims. (*Stangvik v.*
7 *Shiley Inc.* (1991) 54 Cal.3d 744, 752; *Boaz v. Boyle & Co.* (1995) 40 Cal.App.4th 700, 710.)
8 ~~Plaintiff Gorne's jurisdictional ties to California are irrelevant.~~ As a non-California resident, his
9 choice of forum is accorded "due deference," but not a strong presumption. (*National Football*
10 *League v. Fireman's Fund Ins. Co.* (2013) 216 Cal.App.4th 902, 929.)

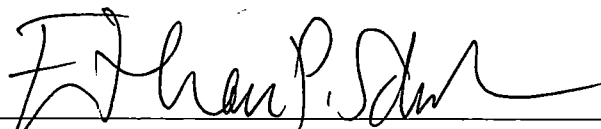
11 The balance of private and public interest factors favor Washington. As to the private
12 interest factors, all of Plaintiffs' causes of action asserting direct and vicarious liability against
13 Uber are based on an incident which allegedly occurred in Washington. Mr. Gorne, a Washington
14 resident, was allegedly assaulted by an Uber driver, also a Washington resident, who received a
15 license as a rideshare driver in Washington, and who contracted with Uber's subsidiary in
16 Washington. (Gorne Decl. 3; Holdsworth Decl. 4, 6). Most potential witnesses and documentary
17 evidence related to the incident and the treatment of Mr. Gorne's injuries are located in
18 Washington. The cost and ease of obtaining access to these witnesses and documents weigh in
19 favor of Washington as a forum. Furthermore, those non-resident witnesses probably would not be
20 subject to compulsory attendance to testify at trial in California. (See *Stangvik v. Shiley Inc.*, *supra*,
21 54 Cal.3d at 751 [the private interest factors are those that make trial and the enforceability of the
22 ensuing judgment expeditious and relatively inexpensive, such as the ease of access to sources of
23 proof, the cost of obtaining attendance of witnesses, and the availability of compulsory process for
24 attendance of unwilling witnesses]; *Toyota Motor Corp. v. Superior Court* (2011) 197 Cal.App.4th
25 1107, 1118.) While Mr. Gorne identifies two blogs on Uber's webpage written by former
26 executives of Uber as statements constituting some of the alleged misrepresentations by Uber, it
27 appears undisputed that they are attributable to Uber, and the persons that wrote them on Uber's
28 behalf are not material witnesses to disputed facts.

As for the public factors, Washington has a strong interest in the protection of its citizens from assault and battery by other Washington citizens and from fraudulent misrepresentations by a corporation operating in Washington. Washington also has an interest in ensuring that Uber and Uber drivers comply with local rules and regulations in conducting business in Washington. In contrast, California has no significant interest in adjudicating an incident that occurred between Washington residents and involves Uber's compliance with Washington regulations, and only a minimal interest in the out-of-state conduct of companies that happen to have their principal corporate headquarters in California. (See, e.g., *Doe v. Uber Technologies, Inc.* (N.D. Cal. May 31, 2017) 2017 WL 2352032 [granting motion to transfer venue of tort suit against Uber based upon alleged sexual assault perpetrated against plaintiff by Uber driver in Minnesota, where the majority of the evidence and key third party witnesses are in Minnesota and Minnesota's local interest in deciding the controversy is substantially stronger than California's].)

IT IS SO ORDERED.

Dated:

July 1, 2019



JUDGE OF THE SUPERIOR COURT

ETHAN P. SCHULMAN